

1 ARNOLD & PORTER KAYE SCHOLER LLP
2 Sean A. McCormick (SBN 295711)
3 sean.mccormick@arnoldporter.com
4 777 S. Figueroa Street, 44th Floor
5 Los Angeles, CA 90017
6 Telephone: (213) 243-4000
7 Facsimile: (213) 243-4199

8 Attorney for Defendant
9 MWW GROUP, LLC

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION

13 HB CONTENT, LLC, a California limited
14 liability company,

15 Plaintiff,

16 vs.

17 MWW GROUP, LLC, a Delaware limited
18 liability company; DOES 1-10,

19 Defendants.

Case No. 2:19-cv-01376

**DEFENDANT MWW GROUP,
LLC'S NOTICE OF REMOVAL**

Action Filed: January 15, 2019
Action Served: January 25, 2019

1 Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant MWW Group, LLC
2 (“MWW”) hereby gives notice of removal of this action, captioned *HB Content, LLC*
3 *v. MWW Group, LLC et al.*, bearing case number 19SMCV00083, from the Superior
4 Court of California, County of Los Angeles, to the United States District Court for
5 the Central District of California. This Court has jurisdiction over this action because
6 there is complete diversity of citizenship between Plaintiff and Defendants, and the
7 amount in controversy exceeds \$75,000, exclusive of interest and costs.

8 BACKGROUND

9 1. On January 15, 2019, Plaintiff filed this action in the Superior Court of
10 California for the County of Los Angeles.

11 2. As discussed below, there is complete diversity of citizenship between
12 Plaintiff and Defendants.

13 3. MWW received the Complaint through service on January 25, 2019.
14 Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served
15 on MWW is attached hereto as **Exhibit 1**.

16 VENUE AND JURISDICTION

17 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 84, 1391, and
18 1441(a) because the Superior Court of California, County of Los Angeles, where the
19 Complaint was filed, is a state court within the Central District of California.

20 5. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(a)
21 because (1) there is complete diversity of citizenship between Plaintiff and
22 Defendants; (2) the amount in controversy exceeds \$75,000, exclusive of interests
23 and costs; and (3) all other requirements for removal have been satisfied.

24 I. THERE IS COMPLETE DIVERSITY OF CITIZENSHIP

25 6. There is complete diversity of citizenship here because Plaintiff is a
26 California citizen and Defendant MWW is a citizen of states other than California.

27 7. For purposes of diversity jurisdiction, a limited liability company is a
28 citizen of every state in which its members are citizens. *See Johnson v. Columbia*

1 *Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“[A]n LLC is a citizen
2 of every state of which its owners/members are citizens.”).

3 8. Plaintiff HB Content, LLC is a California limited liability company.
4 According to records filed with the California Secretary of State, HB Content, LLC’s
5 members are Rachel Miller, Kevin Mann, and Chris Boyd, each of whom are
6 California citizens. Accordingly, HB Content, LLC is a California citizen.

7 9. Defendant MWW Group, LLC is a Delaware limited liability company.
8 MWW Group, LLC’s members are citizens of Washington D.C., New Jersey, New
9 York, Illinois, and Maryland. No member of MWW Group, LLC is a citizen of
10 California.

11 10. The citizenship of the unnamed, unidentified Doe Defendants should be
12 ignored for purposes of determining whether this action is removable based on
13 diversity of citizenship. *See* 28 U.S.C. § 1441(b)(1) (“In determining whether a civil
14 action is removable on the basis of [diversity of citizenship], the citizenship of
15 defendants sued under fictitious names shall be disregarded.”).

16 **II. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000**

17 11. “[A] defendant’s notice of removal need include only a plausible
18 allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart*
19 *Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014). “[W]hen
20 a defendant seeks federal-court adjudication, the defendant’s amount-in-controversy
21 allegation should be accepted when not contested by the plaintiff or questioned by the
22 court.” *Id.* at 553. In determining whether the amount in controversy is satisfied, the
23 Court may consider actual as well as punitive damages. *See Anthony v. Sec. Pac. Fin.*
24 *Servs., Inc.*, 75 F.3d 311, 315 (7th Cir. 1996).

25 12. Here, it is clear that the amount in controversy exceeds \$75,000. The
26 Complaint asserts that Plaintiff is owed \$250,000 as the outstanding balance on an
27 alleged contract for services, and that Plaintiff has been damaged in the amount of
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1 \$250,000. (*See* Compl. ¶ 13, 20, 22, 42, 48.) Additionally, Plaintiff seeks punitive
2 damages. (*See id.* p.7.)

3 **III. ALL OTHER REMOVAL REQUIREMENTS ARE SATISFIED**

4 **A. This Notice of Removal Is Timely**

5 13. This Notice of Removal is timely filed. MWW received the Complaint
6 through service on January 25, 2019. Because MWW filed the Notice of Removal on
7 February 25, 2019, removal is timely. *See* 28 U.S.C. § 1446(b)(1); Fed. R. Civ. Proc.
8 6(a)(1)(C).

9
10 **B. No Other Defendants Have Been Served, So Consent from Other Defendants is Unnecessary**

11 14. For purposes of removal based on diversity jurisdiction under 28 U.S.C.
12 § 1332(a) and pursuant to 28 U.S.C. § 1446(b), all defendants who have been
13 properly joined and served must consent to removal.

14 15. MWW is the only Defendant that has been served. The remaining
15 Defendants are unnamed, unidentified Doe Defendants. Accordingly, all properly
16 joined and served defendants consent to removal.

17 **C. Notice of Removal**

18 16. Pursuant to 28 U.S.C. § 1446(d), MWW will give written notice of the
19 filing of this Notice of Removal to all parties of record in this matter, and will file a
20 copy of this Notice with the clerk of the state court.
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CONCLUSION

WHEREFORE, MWW hereby removes this action from the Superior Court of California, County of Los Angeles, to the United States District Court for the Central District of California.

Dated: February 25, 2019.

ARNOLD & PORTER KAYE SCHOLER
LLP

By: /s/ Sean A. McCormick
Sean A. McCormick
777 S. Figueroa Street, 44th Floor
Los Angeles, CA 90017
Telephone: (213) 243-4000
Facsimile: (213) 243-4199
sean.mccormick@arnoldporter.com

Attorney for Defendant
MWW GROUP, LLC